

run her campaign for Colorado's Attorney General.

Mr. Koether not only worked on campaigns and in politics, he also devoted himself to public service in the Denver area, offering his services to various public boards to better the lives of Coloradans. In addition to serving on the Kent Denver school boards, Mr. Koether spent 54 years of his life on the advisory board of the Salvation Army.

Mr. Koether passed away on Sept. 16, 2011 among his family members and friends who were coming together to celebrate his 98th birthday.

Mr. Speaker, it is an honor to recognize Mr. Herbert F. Koether. The ideals he devoted himself to and his life of public service tangibly affected Coloradans and Americans for the better, and he will be greatly missed by us all.

TRIBUTE TO THE 5TH SPECIAL FORCES GROUP

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mrs. BLACKBURN. Mr. Speaker, fifty years ago, a prestigious group of soldiers were activated into the 5th Special Forces Group at Ft. Bragg, North Carolina. Deployed today from Ft. Campbell, Kentucky and serving in regions known and unknown, the men and women of the 5th Special Forces work to gain and secure freedom's cause for the oppressed throughout the world.

The green beret is not the only thing that sets the 5th Special Forces Group apart. Divided into five active duty and two Army National Guard groups, the Special Forces are an integral part of the United States Army and her missions throughout the world. From Vietnam to Afghanistan, these honored soldiers continue to carry out the legacy of excellence, victory, and fidelity to the contract of democracy. Outfitted with the best and the brightest the Armed Forces has to offer, the 5th Special Forces Group celebrates 50 years of special operations as one of the most decorated and well-known Army units.

We owe much of our freedom to those who, like the 5th Special Forces, dedicate their lives to the tenets of this mighty country. With unequalled speed and resolve, they both captured high-profile targets in the Global War on Terror and brought humanity and compassion to areas of the world struggling under humanitarian crisis. As the 5th Special Forces Group continues their work to liberate those in the bonds of oppression, I ask my colleagues to join with me in honoring the mighty work done by the 5th Special Forces and congratulate them as they celebrate 50 years of bringing freedom to the world's darkest places.

PALESTINIAN AUTHORITY AND THE U.N.

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. GARRETT. Mr. Speaker, I rise today in objection to the Palestinian Authority's blatant

attempt to circumvent its past agreements and treaties with Israel and seek a unilateral declaration of statehood at the United Nations (UN) later today.

Peace between the Israelis and the Palestinians will not be settled through a resolution at the United Nations. Lasting peace will only be achieved through direct negotiations between Israel and the Palestinians.

The Palestinian Authority's unilateral declaration of statehood directly contradicts UN Resolution 242, which states that the two nations must work together to achieve peace in the region so that both states are secure.

When Resolution 242 was passed, President Johnson stated, "It is clear . . . that a return to the situation of June 4, 1967 will not bring peace. There must be secure and there must be recognized borders. Some such lines must be agreed to by the neighbors involved."

Now is the time for the UN and the Palestinian Authority to heed that advice. The borders should not be dictated to the Israelis; rather, an agreement should be based on direct negotiations between the two states. Recognition in any way by the UN will only embolden the belligerent Palestinians to avoid the negotiating table and circumvent direct negotiations with Israel.

An affirmative vote by the UN Security Council, even with a United States veto, will have dire consequences for years to come. I urge the UN to reject the resolution so that both nations can return to the negotiating table without pre-conditions.

INTRODUCING THE INVESTING INCOME AT HOME ACT OF 2011

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Mr. LARSEN of Washington. Mr. Speaker, today I am pleased to introduce the Investing Income at Home Act of 2011, legislation that simplifies the outdated personal holding company ("PHC") tax regime and will help certain closely held companies invest money here at home to create jobs and help our economy recover.

Enacted in 1934, the PHC tax provisions (sections 541–547 of the Internal Revenue Code) are outdated. The goal of the PHC tax when it was originally enacted was to prevent wealthy individuals from avoiding the individual income tax on passive income like interest, dividends and rents by forming corporations to hold these investments.

In the 1930s the corporate tax rate was 13.5 percent and the top individual income tax rate was 63 percent. This 49.5 percent differential between the top corporate and individual tax rate—coupled with the ability to liquidate and distribute appreciated corporate assets without tax consequences—provided an incentive for wealthy individuals to incorporate their portfolio investments. Those incentives have largely vanished under current law. First, the top marginal tax rate for both individuals and corporations is 35%. Second, corporate liquidating distributions of appreciated assets are taxed at the corporate level. Current law provides no incentive to incorporate portfolio investments to escape the individual income tax. The PHC tax is an obsolete tax that should be repealed.

Section 541 of the Internal Revenue Code imposes a corporate level penalty tax of 15% on the undistributed personal holding company income of a PHC. Under current law, this rate is scheduled to return to the highest individual tax rate of 39.6% when the lower dividend tax rate expires in 2011. A corporation constitutes a PHC if 60% of its adjusted gross income is PHC income and if 50% of its stock is owned by five or fewer individual shareholders at any time during the last half of the taxable year. PHC income generally is defined as interest, dividends, royalties, rents, and certain other types of passive investment income.

Furthermore, in the case of a group of corporations filing a consolidated return, the PHC test is generally conducted on the basis of the operations of the consolidated group. However, in certain circumstances the test must be conducted on a separate company basis. When the test is conducted on a separate company basis, a group of corporations filing a consolidated return can easily find that it has a personal holding company tax liability even though a great majority of its revenue is generated from the active conduct of its trade or businesses. The requirement to conduct the PHC tests on a separate company basis often unfairly penalizes corporate groups that are actively engaged in business. A common fact pattern that gives rise to this unwarranted imposition of the PHC tax is where a member of the group receives dividends from controlled foreign subsidiaries. In this case, the separate company PHC tax computation serves as a deterrent to the repatriation and reinvestment of foreign earnings in the United States.

The legislation I am introducing would exclude dividends received from a firm's foreign affiliates and reinvested in the United States from the definition of personal holding company income.

This bill will provide that corporations impacted by the PHC that benefit from the provision would pay the same level of corporate tax as similarly situated publicly traded corporations. This would free them to invest dividends from foreign affiliates into the U.S. economy, helping to create much-needed jobs here in America.

I ask my colleagues to join me in supporting this important legislation that will clean up an outdated part of the Tax Code and help to create good jobs in the United States.

RECOGNIZING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE NATIONAL ASSOCIATION OF CONVENIENCE STORES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 2011

Ms. MATSUI. Mr. Speaker, I rise today to commemorate the 50th anniversary of the founding of the National Association of Convenience Stores (NACS).

Originally founded in 1961, today NACS represents more than 3,700 companies that do business in more than 50 countries worldwide.

The convenience retailing industry in America generates \$575 billion dollars in sales annually, in its more than 146,000-plus stores across the country, and employs 1.6 million